

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TRACEY L. FUEHRER,

Plaintiff,

v.

JO ANNE B. BARNHART,

Defendant.

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Case No. 4: 06-CV-619

(Judge McClure)

(Magistrate Judge Mannion)

ORDER

September 1, 2006

BACKGROUND:

On March 24, 2006, plaintiff Tracey L. Fuehrer, filed a civil complaint seeking review of the denial of benefits by the social security administration pursuant to 42 U.S.C. § 405(g).

The matter was initially referred to United States Magistrate Judge Malachy E. Mannion.

On June 12, 2006, the defendant filed a motion to dismiss and a brief in support. Defendant's brief in support asserts that plaintiff untimely commenced the action without requesting or being granted an extension of time. No brief in opposition appears on the docket.

By correspondence to the magistrate judge dated August 28, 2006, plaintiff's

counsel has indicated that “there is no point in pursuing this matter any further.”

(Rec. Doc. No. 5.)

The magistrate judge has since directed the court’s attention to the case file.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. As plaintiff’s counsel has indicated that the matter will no longer be pursued, the complaint is dismissed with prejudice under Federal Rule of Civil Procedure 41(a)(2).
2. Defendant’s motion to dismiss is denied as moot. (Rec. Doc. No. 3.)
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge